

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SPRINT SPECTRUM L.P.,

Plaintiff,

v.

CITY OF GLOUCESTER, et al.

Defendants.

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) **Civil Action No. 04-CV11865-JLT**
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PLAINTIFF'S LOCAL RULE 26.1 (B) STATEMENT

Sprint Spectrum L.P. ("Sprint PCS") submits the following statement in accordance with
Local Rules 26.1(B):

1. Computation of Damages

Sprint PCS cannot, at present, itemize all economic loss it has suffered as a result of the
City's wrongful conduct. Sprint PCS can, however, itemize the categories of damages it intends
to recover from the City. Those damages consist of:

A. Loss Minutes of Use Revenues – the City's denial of Sprint PCS's siting
request has resulted in a loss of income by Sprint PCS in the form of lost revenues
from minutes of use by Sprint PCS customers. The number of lost minutes of use
will be determined by a projection based on expert testimony.

B. Securing an Alternative Location for Sprint PCS's Facility – the City's
denial of Sprint PCS's siting request has resulted in Sprint PCS's need to find an
alternative site for its facility. The post-denial costs associated with that effort are
recoverable from the City, but have yet to be determined.

C. Competitive and Reputational Harm – the City's denial of Sprint PCS's
siting request has provided Sprint PCS's direct competitors, including Verizon
and AT&T Wireless/Cingular, significant competitive advantages in the local
wireless telecommunications market that have yet to be quantified. The City
provided these competitors with preferential treatment with respect to the siting of

their wireless facilities. Expert analysis is likely to be required to quantify the competitive harm suffered by Sprint PCS.

D. Attorneys' Fees – the City's denial of Sprint PCS's siting request has caused Sprint PCS to incur significant attorneys' fees.

Although this response will be seasonably supplemented as additional information becomes available, at present, Sprint PCS expects that its damages may approach or exceed \$1.5 million.

2. Persons Likely to Have Discoverable Information

The following individuals are likely to have discoverable information relevant to the disputed facts alleged with particularity in the Complaint:

A. Timothy W. Greene
TerraSearch, LLC
270 Centre Street
Holbrook, MA 02343

Mr. Greene is expected to have information about Sprint PCS's site acquisition, site review and application to the City.

B. Deborah B. Haskell, MAI
Winthrop Real Estate Advisors
105 Union Wharf
Boston, MA 02109

Ms. Haskell is expected to have information about Sprint PCS's analysis of the impact of the facility on neighboring real estate values.

C. Brian F. Sullivan, Jr.
Coler & Colantonio, Inc.
101 Accord Park Drive
Norwell, MA 02061

Mr. Sullivan is expected to have information about the design and engineering specifications of the proposed personal wireless services facility.

D. David Eichler

Mr. Eichler is expected to have information about Sprint PCS's Radio Frequency requirements, and the existence of a coverage gap in the area proposed by Sprint PCS for the facility.

- E. Scott Lacy, Esq.
Brown Rudnick Berlack Israels LLP
121 South Main Street
Providence, RI

Mr. Lacy is expected to have information about Sprint PCS's site acquisition efforts, its application to the City and the hearings before the City Council.

- F. Jeffrey T. Worthley
4 Hawthorne Road
Gloucester, MA 01930
- G. Alphonse J. Swekla, President
9 Bertoni Road
Gloucester, MA 01930
- H. John "Gus" Foote, Vice President
39 Mt. Vernon Street
Gloucester, MA 01930
- I. Abdullah A. Khambaty
6 Flume Road
Gloucester, MA 01930
- J. Sefatia A. Romeo
287 Magnolia Ave
Gloucester, MA 01930
- K. Joseph A. Ciolino
28 High Popples Road
Gloucester, MA 01930
- L. Vito J. Calomo
82 Holly Street
Gloucester, MA 01930
- M. D. Edward St. Peter, Jr.
38 Fernald Street
Gloucester, MA 01930
- N. Dean W. Harrison
5 Rocky Pasture Road
Gloucester, MA 01930

The individuals identified at F-N are members of the City Council and are expected to have information about Sprint PCS's application, Verizon's application, the hearings held with

respect to both applications, and the reasons for denying Sprint PCS's application and approving Verizon's.

O. Robert Wenstrup, Ph.D.
Wenstrup Consulting
11 Morrill Drive
Wayland, MA 01778-4709

Dr. Wenstrup is expected to have information concerning the RF emissions of Sprint PCS's proposed facility and his communications with the City relative to such emissions.

P. Cynthia Dunn, Esq.
City Hall
9 Dale Avenue
Gloucester, MA 01930

Ms. Dunn is expected to have information about the hearings held relative to Sprint PCS's application, and the City Council's approval of the Verizon application.

Q. David Gilmour
City Hall
9 Dale Avenue
Gloucester, MA 01930

Mr. Gilmour is expected to have knowledge of the manner in which the City planned for and responded to request to site personal wireless service facilities.

R. John Bell
City Hall
9 Dale Avenue
Gloucester, MA 01930

Mr. Bell is expected to have knowledge of the manner in which the City planned for and responded to request to site personal wireless service facilities.

S. Gaetano LoGrande
54 New Way Lane
Gloucester, MA 01930

T. Ann Feibiger
47 Bay Street
Gloucester, MA 01930

Mr. LoGrande and Ms. Feibiger are expected to have information about the hearings held relative to Sprint PCS's application, and the City Council's approval of the Verizon application.

3. Statements Obtained From Opposing Parties

With the exception of statements reflected in the record of City Council's hearings and the decision denying Sprint PCS's application, Sprint PCS has not obtained any statements from any opposing party.

4. Government Investigation

Sprint PCS knows of no government agencies or officials investigating the transactions and occurrences giving rise to its claims.

Signed and sworn,

SPRINT SPECTRUM L.P.

A handwritten signature in black ink, appearing to read 'Carla Chaves', is written over a horizontal line.

Carla Chaves
National Property-East Region

Dated: December 6, 2004